



9-9-05

IFW B

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/271,584	
	Filing Date	March 18, 1999	
	First Named Inventor	Eduardo BLUMWALD	
	Art Unit	1638	
	Examiner Name	A. Kubelik	
Total Number of Pages in This Submission	8	Attorney Docket Number	529642000200

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s) (3 sheets)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Communication Regarding Notice of Drawing Inconsistency with Specification (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Notice of Drawing Inconsistency with Specification (copy, 1 page)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	Other Enclosures (con't)
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		3. Notice of Draftsperson's Patent Drawing Review (copy, 1 page)
		4. Return Receipt Postcard

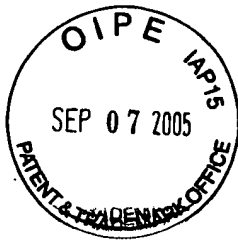
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)
Signature	
Printed name	Otis Littlefield

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL990376018US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: September 7, 2005

Signature: Valerie Cohen (Valerie Cohen)



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE 09/271,584

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 3-18-03 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 3,4,6 are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures _____ are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

Return Corrected Drawings/Specification to:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division
Customer Service: 703-308-6789
1-888-786-0101

FORM PTO-1631 (REV. 10-03)

NOTICE OF DRAFTSPERSON'S
PATENT DRAWING REVIEW

COPY

The drawing(s) filed (insert date) 3-18-99 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152. The reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
Black ink. Color.☐ Color drawings are not acceptable until petition is granted.

Fig(s) _____

☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84 (b)

☐ 1 full-tone set is required. Fig(s) _____☐ Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____☒ Poor quality (half-tone). Fig(s) 7c, 7d

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable.

Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations,☐ folds, copy machine marks not accepted. Fig(s) _____☐ Mylar, velum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawing sheets not the same size.

Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

8.5-0.79 inches and no dimension will not be entered and below

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8.1/2 x 11

Margins not acceptable. Fig(s) _____

Top (T) _____

Right (R) _____

Left (L) _____

Bottom (B) _____

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig(s) _____

☒ Views not labeled separately or properly.Fig(s) 1A, 1B, 1A, 5B☐ Enlarged view not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

☐ Hatching not indicated for sectional portions of an object.

Fig(s) _____

☐ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS.

37 CFR 1.84(i)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____☐ Solid black shading not permitted. Fig(s) _____☐ Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible.

Fig(s) _____

☐ Figure legends are poor. Fig(s) _____☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) _____

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)Fig(s) 1A-1C, 5A, 5B, 5A-5B

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig(s) _____☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

☐ Corrections not made from prior PTO-948 dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____☐ Solid black shading not used for color contrast.

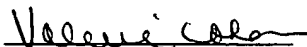
Fig(s) _____

COMMENTS

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL990376018US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 7, 2005

Signature:


(Valerie Cohen)

Docket No.: 529642000200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eduardo BLUMWALD et al.

Application No.: 09/271,584

Filed: March 18, 1999

For: GENETIC ENGINEERING SALT
TOLERANCE IN CROP PLANTS



Art Unit: 1638

Examiner: A. Kubelik

**COMMUNICATION REGARDING NOTICE OF
DRAWING INCONSISTENCY WITH SPECIFICATION**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madame or Sir:

This Communication is in response to the Notice of Drawing Inconsistency with Specification (Notice) dated August 18, 2005. Applicants were given a time period of one (1) month from the mailing date of the Notice to respond to the same. Accordingly, this response is timely filed.

Figures 1a-1e, 2a-2c, 3, 4, 5a-5b, 6, 7a-7g, 8a-8h were listed in the Brief Description of the Drawings of the specification as filed on March 18, 1999. On the Notice dated August 18, 2005, it was indicated that the Submission of Formal Drawings filed on March 18, 2003 had been received; however, an inconsistency existed between the drawings (Figures 3, 4 and 6) and the Brief Description of the Drawings. Figures 3, 4, and 6 were never objected to during prosecution of this application pursuant to the Notice of Draftsperson's Patent Drawing Review (Form PTO 948) dated July 22, 1999 (copy attached); therefore, these same figures were not resubmitted with the Submission of Formal Drawings filed on March 18, 2003. As a courtesy, attached are Figures 3, 4,

and 6 for the patent office's records and in response to the Notice.

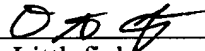
REMARKS

Applicants respectfully request the submission of Figures 3, 4, and 6 as formal drawings. The patent office is invited to contact the undersigned if it has any questions and/or comments.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **529642000200**.

Dated: September 7, 2005

Respectfully submitted,

By 
Otis Littlefield
Registration No.: 48,751

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
Telephone: (415) 268-6846
Facsimile: (415) 268-7522